

to:

- have a support person with them during investigation; and
- have their vulnerable status taken into account before a detention warrant is issued.

For a child who is aged 15 or less, a parent or guardian must be present when they are questioned. This rule can be waived for children between the ages of 15 to 18, but only if the child understands what is happening.

For people aged 18 or above, parents do not have to be present when questioning takes place.



Who can I talk to for more information?

Office of the Ombudsman

Pilioko House
PMB 9081, Port Vila
Port Vila
Tel: 27200
Fax: 27140

The Public Solicitor's Office

PO Box 794, Port Vila
Port Vila
Phone: 23450
Fax: 23451

Produced with the generous
assistance of



Australian Agency for International
Development

The information contained in this brochure is only intended as a guide to the law and is not a substitute for obtaining legal advice. If you have any further questions we strongly suggest you seek legal advice.

Note: This information applies to people who live in, or are affected by, the law as it applies in Vanuatu.

The information in this brochure is current as at 30 June 2006.

University of the South Pacific Community Legal Centre
PMB 9072 Port Vila VANUATU Ph: 27026 Fax: 25543
<http://legalcentre.vanuatu.usp.ac.fj/>

UNIVERSITY OF THE SOUTH
PACIFIC



YOUR RIGHTS IN CUSTODY

What are your rights if you
are arrested by the police
in Vanuatu?



A USP Community Legal Centre Production

What are your rights if you are arrested by the police in Vanuatu?

If you are arrested by the Police and held at the Police station, you are said to be held in “custody”. There are certain rights that you have if you are being held in custody.



How long can I be held in police custody?

If you are arrested by the police in Vanuatu for a crime, you may be held in custody by the police for a reasonable amount of time before you can be charged with a crime or released. This will generally be **no more than 24 hours**. Cases like minor theft or being drunk and disorderly fall into this category.

In deciding what a reasonable amount of time is, the police must take into account things like your age and any physical or mental disabilities. The police can also take into account the amount of time they need to prepare any questions that they need to ask you.

Can the police hold me in custody any longer than 24 hours without charging me?

In special cases, the police can hold you in custody for longer than 24 hours. An example of a special case may be a murder or rape offence.

If the police want to hold you for longer than 24 hours, they need an order from a Magistrate or an authorised Justice of the Peace.

A Magistrate or authorised Justice of the Peace will only give permission to hold you in custody for longer than 24 hours if:

- the police are conducting their investigation efficiently and without delay;
- the extension of your time in custody is necessary to complete the police investigation;
- there is no other necessary way of completing the investigation without holding you in custody for a longer period of time; and
- in the circumstances, the police can't complete their investigation within 24 hours.

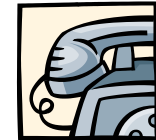
What other rights do I have if I am in police custody?

You have the right to:

- be cautioned and told your rights by the

Police Custody Manager as soon as you arrive at the police station;

- contact a friend, relative or guardian;
- contact a lawyer;
- have your lawyer with you when you are being questioned by the police and during the investigation;
- silence (not to say anything);
- not to be forced to say anything;
- not to be threatened or beaten;
- receive medical assistance;
- get food and water (only what is reasonable though); and
- have access to washing and toilet facilities.



The Police Custody Manager must keep a record of your time in custody which sets out everything that happens to you while you are there. The Custody Manager must give you a copy of the report when you are released from custody.

What about people who are vulnerable while in custody?

The law says that special protection is to be given to people in custody who are ‘vulnerable’. This includes children, people with an intellectual or physical disability and people of non-English speaking backgrounds.

Vulnerable people in custody have the right